

REMARKS

Election:

The Examiner requires restriction under 35 U.S.C. 121 and 372.

The application has been determined to contain the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1:

Group 1, claims 1-6, 8, 10-16, 18, 20, 21, 23-25, 51-57 are drawn to a stable composition comprising a substrate comprising lansoprazole or a pharmaceutically acceptable salt thereof, a subcoating layer comprising an alkaline agent and an enteric coating.

Group II, claims 26-32, 34, 36-42, 44, 46, 47, 49, and 50 are drawn to a method for administering a therapeutically effective amount of lansoprazole to a subject.

The Applicant chooses to elect Group II, i.e. claims 26-32, 34, 36-42, 44, 46, 47, 49, and 50.

The Examiner further states that the application contains claims directed to more than one species of the generic invention, which are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The species are stated as being the ingredients in the layer comprising lansoprazole. The Applicant is required to elect if the substrate or layer comprising the lansoprazole does not include an alkaline agent or does include an alkaline agent.


The Applicant chooses to elect the species wherein the substrate or layer comprising the lansoprazole does not include an alkaline agent i.e. claims 27-32, 34, 36-42, 44, 46, 47, 49 and 50.

Applicant reserves the right to further prosecute without prejudice the provisionally non-elected claims 1-6, 8, 10-16, 18, 20, 21, 23-26, 51-57 and the related invention(s) if in fact the Examiner upholds the restriction to one of two inventions. Otherwise Applicants request rejoinder of claims 1-6, 8, 10-16, 18, 20, 21, 23-26, 51-57 to claims 27-32, 34, 36-42, 44, 46, 47, 49 and 50, and prosecution of all claims, if the restriction is not upheld.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' Agent.

Respectfully submitted,

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By: 
D'vorah Graeser
Registration No. 40,000
Agent for Applicant
Tel. No. (301) 952-1011
c/o Discovery Dispatch
9003 Florin Way
Upper Marlboro, Maryland 20772